

# PUBLIC HEALTH DEPARTMENT[641]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 135.11(26), the Department of Public Health hereby amends Chapter 24, “Private Well Testing, Reconstruction, and Plugging—Grants to Counties,” Iowa Administrative Code.

The following paragraphs summarize the amendments:

Item 1 adds language for the Department to be able to reallocate funds that are not being spent. This change was made due to a request from the Legislature in 2015 to better utilize these funds. All counties participating in the grant program will receive an original appropriation, and only those counties that demonstrate an underutilization of funding (based on current and historical practices) will receive a midcontract reduction in funding. Midyear reallocations will allow for a more effective and complete use of funding for private well services while at the same time direct funding to areas of Iowa that have demonstrated a need for additional funding.

Item 2 clarifies training, training reimbursement, and the costs that will be reimbursed to the well owner, cistern owner and the county.

Item 3 allows the Department to receive the 28E agreements between counties that have multicounty applications.

Item 4 rescinds the rule pertaining to record-keeping and retention requirements because these requirements are outlined in the general conditions of the contract.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2461C** on March 16, 2016. A public hearing was held on April 5, 2016. No public comment was received. These amendments are identical to those published under Notice of Intended Action.

The Department adopted these amendments on May 11, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 455E.11 and 135.11(26).

These amendments will become effective July 13, 2016.

The following amendments are adopted.

ITEM 1. Amend subrule 24.4(2) as follows:

### **24.4(2) Allocation of funds.**

*a.* During each fiscal year, the amount granted each eligible applicant shall be the total funds available as defined in Iowa Code section 455E.11 divided by the number of eligible counties applying.

*b.* The department will annually determine the potential for unused funds from contracts. If funds are available, reallocation of the funds to eligible counties for grant purposes shall be at the discretion of the department.

ITEM 2. Amend rule 641—24.5(135) as follows:

**641—24.5(135) Eligible grant costs.** The following are annual eligible costs for which the department will reimburse participating counties:

**24.5(1)** ~~Up to \$1,000 will be paid to the participating county for private water well-related training expenses, including registration, mileage, and per diem lodging, and meals for employees attending department-approved trainings. Training approval is granted to water well-related training sponsored by the department, the Iowa Environmental Health Association, the Iowa Public Health Association, the Iowa Water Well Association, the Iowa department of natural resources, or the Iowa Ground Water Association. The annual conference sponsored by the Iowa Onsite Waste Water Association is also approved. Other trainings must receive approval of the department before a voucher for expenses is submitted.~~

**24.5(2)** ~~Up~~ Actual costs up to \$500 will be paid to the participating county for supplies related to the grants to counties program. Eligible supplies include, but are not limited to, Global Positioning System (GPS) units, private water well data software, inspection supplies, cameras, and sampling equipment.

**24.5(3)** ~~Up~~ Actual costs up to \$1,000 will be paid to the participating county for advertising and promotional expenses to educate county residents about the availability of funds for private water well testing, abandoned well plugging, and private water well reconstruction.

**24.5(4)** Actual costs will be paid to the participating county for each private water well test conducted under the program, including \$60 for administrative expenses. At a minimum, well sampling shall include analyses for total nitrate (including nitrite) and total coliform bacteria. Optional analyses may also include arsenic.

**24.5(5)** ~~Up~~ The total maximum reimbursement to the county for a well plugging is \$575. Actual costs up to ~~\$575~~ \$500 will be paid for each abandoned private water well plugging conducted in accordance with 567—Chapter 39, ~~including \$75 for administrative expenses~~. The county shall directly reimburse these costs to the well owner. An administrative expense of \$75 shall be retained by the participating county. Private water well plugging must be conducted by a certified individual as defined in 567—Chapter 82 or by the well owner under direct supervision by the county.

**24.5(6)** ~~Up~~ The total maximum reimbursement to the county for a cistern plugging is \$375. Actual costs up to ~~\$375~~ \$300 will be paid for each cistern plugging ~~but only for those cisterns deemed by the administrative authority to impact groundwater, including \$75 for administrative expenses~~. The county shall directly reimburse these costs to the cistern owner. An administrative expense of \$75 shall be retained by the participating county. Cistern plugging must be conducted by a certified individual as defined in 567—Chapter 82 or by the well owner under direct supervision by the county.

**24.5(7)** ~~Up~~ The total maximum reimbursement to the county for a well reconstruction is \$1,330. Actual costs up to \$1,000 in reconstruction costs ~~plus~~ will be paid for each reconstruction. The county shall directly reimburse these costs to the well owner. An administrative expense of 33 percent of the actual reconstruction costs ~~for administrative purposes will be paid for each private water well reconstruction~~ will be retained by the participating county. Grant funds may be used to conduct reconstruction intended to preclude contamination due to surface water intrusion by coliform or other infectious bacteria. Examples include repairs of casing, well caps, or pitless adapters and elimination of well pits.

ITEM 3. Amend subrule 24.8(4) as follows:

**24.8(4)** For multicounty applications, signed Iowa Code chapter 28E agreements between each participating county and the applicant upon request from the department.

ITEM 4. Rescind and reserve rule ~~641—24.12(135)~~.

[Filed 5/17/16, effective 7/13/16]

[Published 6/8/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/8/16.